

### **REMARKS**

By this amendment, Applicants amend claims 1-9, 11, 12, and 15-31. Claims 1-12 and 15-31 remain pending in this application.

In the Office Action<sup>1</sup>, the Examiner objected to the specification; rejected claims 1-12 and 15-31<sup>2</sup> on the ground of non-statutory double patenting; rejected claim 8 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1, 3-12, 16-23, and 25-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,548,750 to Larsson et al. ("*Larsson*") in view of U.S. Publication No. 2003/0004975 to Nakano et al. ("*Nakano*"); and rejected claims 2, 15, and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Larsson* in view of Nakano and U.S. Patent No. 6,944,615 to Teng et al. ("*Teng*").

#### **I. Objection to Specification**

Regarding the objection to the Abstract, Applicants submit herein a new Abstract containing not more than 150 words. Regarding the Examiner's suggestion to replace "programm" with --program-- on page 4, line 24 of the specification, Applicants note that the suggested replacement was previously made in the Preliminary Amendment filed on March 7, 2005, page 4. Accordingly, Applicants respectfully request the Examiner to withdraw the objection of the specification.

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

<sup>2</sup> Although the Examiner rejected claims 1-31 on the ground of non-statutory double patenting, Applicants note that claims 13 and 14 were previously canceled by the Preliminary Amendment filed on March 7, 2005.

**II. Rejection of Claims 1-12 and 15-31 for Non-Statutory Double Patenting**

Applicants respectfully traverse the rejection of claims 1-12 and 15-31 on the ground of non-statutory double patenting over claims 1-33 of U.S. Patent No. 7,222,142. However, to advance prosecution, Applicants file concurrently herewith the attached Terminal Disclaimer. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 1-12 and 15-31 for non-statutory double patenting.

**III. Rejection of Claim 8 under 35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claim 8 under 35 U.S.C. § 112, second paragraph, because there was insufficient antecedent basis for "the lock object." In response, Applicants amend claim 8 to address the Examiner's concerns. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 8 under 35 U.S.C. § 112, second paragraph.

**IV. Rejection of Claims 1, 3-12, 16-23, and 25-31 under 35 U.S.C. § 103(a)**

Applicants respectfully traverse the rejection of claims 1, 3-12, 16-23, and 25-31 under 35 U.S.C. § 103(a) as being unpatentable over *Larsson* in view of *Nakano*. A *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness, "it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

A *prima facie* case of obviousness has not been established because the prior art fails to render obvious each and every element of Applicants' claims.

Independent claim 1 recites a method comprising, among other things, "determining whether the ID is stored successfully in the transactional type lock object, and upon a successful storage, storing the ID in a permanent type lock object." *Larsson* and *Nakano*, individually or in combination, fail to render obvious at least this claim element.

The Examiner argues that *Larsson*, col. 6, lines 14-17, teaches the above-quoted element of claim 1. *Larsson* discloses that "[c]opying objects to the backup area will . . . not start until the local data base handler has made all changes from transactions to be included in the backup visible in the data base." *Larsson*, col. 6, lines 14-17. Although, *Larsson* teaches waiting until "the number of transactions in the old transaction log is zero . . . [before] all local backup handlers . . . begin copying the objects . . . to the backup area" (*Larsson*, col. 6, lines 40-43), *Larsson* does not render obvious the use of an "ID," "transactional type lock object," and "permanent type lock object," as recited in claim 1.

The Examiner alleges that the "means of object identities" and "LID-table" of *Larsson* correspond to Applicants' claimed "ID" and "transactional type lock object," respectively. See Office Action, pp. 5-6. Although Applicants disagree, even assuming the Examiner's allegation is correct, the Examiner failed to cite anything in *Larsson* that renders obvious the "permanent type lock object" or "ID in a permanent type lock object," as recited in claim 1. In addition, *Nakano* fails to cure these deficiencies of *Larsson* at least because *Nakano* also fails to disclose, suggest, or render obvious the claimed "permanent type lock object" or "ID in a permanent type lock object."

Therefore, *Larsson* and *Nakano*, individually or in combination, fail to disclose, suggest, or render obvious "determining whether the ID is stored successfully in the transactional type lock object, and upon a successful storage, storing the ID in a permanent type lock object," as recited in claim 1.

Independent claim 1 further recites "deleting the ID from the permanent type lock object after the respective data object assigned to that ID has been deleted from the first storage location." *Larsson* and *Nakano*, individually or in combination, fail to render obvious at least this claim element.

As discussed above, *Larsson* fails to render obvious the claimed "permanent type lock object" or "ID in a permanent type lock object." Moreover, the Examiner does not rely upon *Larsson* for this claim element. However, the Examiner alleges that *Nakano*, para. [0104] discloses the above-quoted element of claim 1. Office Action, p. 7. The Examiner's allegation is incorrect. *Nakano* discloses "a notification indicative of the data insert completion" and a "request to delete the insert original data." *Nakano*, para. [0104]. However, a notification of completion or deletion of insert data does not render obvious "deleting the ID from the permanent type lock object," as recited in claim 1. *Nakano* is completely silent with respect to any "ID" associated with a "data object" and is also silent with respect to any "lock object" that contains an "ID." Therefore, *Larsson* and *Nakano*, individually or in combination, fail to disclose, suggest, or render obvious "deleting the ID from the permanent type lock object after the respective data object assigned to that ID has been deleted from the first storage location," as recited in claim 1.

For at least the reasons stated above, the prior art, taken alone or in proper combination, fails to render obvious each and every element of claim 1. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1.

Furthermore, independent claims 11, 12, and 23, although different in scope from claim 1, are allowable over the prior art for at least reasons similar to those stated above for claim 1. Dependent claims 3-10, 16-22, and 25-31 are allowable over the prior art at least by virtue of their dependence from allowable base claims 1, 12, and 23. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 1, 3-12, 16-23, and 25-31 under 35 U.S.C. § 103(a).

**V. Rejection of Claims 2, 15, and 24 under 35 U.S.C. § 103(a)**

Applicants respectfully traverse the rejection of claims 2, 15, and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Larson* in view of *Nakano* and *Teng*. A *prima facie* case of obviousness has not been established.

Claims 2, 15, and 24 depend from independent claims 1, 12, and 23, respectively, and thus require all the elements thereof. As discussed above, *Larsson* and *Nakano* fail to render obvious all the elements of claims 1, 12, and 23. Regardless of whether the Examiner's characterizations of *Teng* in the Office Action are correct, *Teng* fails to cure the above-noted deficiencies of *Larsson* and *Nakano*. Therefore, the prior art, taken alone or in proper combination, fails to establish a *prima facie* case of obviousness with respect to claims 2, 15, and 24. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 2, 15, and 24 under 35 U.S.C. § 103(a).

**CONCLUSION**

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: October 23, 2007

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**Attachment:** Terminal Disclaimer